

PRELIMINARY AMENDMENT &

RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

U.S. Appln. No.: 10/555,069

Atty. Docket No.: Q91145

**AMENDMENTS TO THE CLAIMS**

**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

**1. (original):** An instrument for inducing a cytokine, which comprises hemolytic streptococcus and/or a hemolytic streptococcus-origin component which induces a cytokine, a water-insoluble carrier having an effect for enhancing induction of a cytokine, and a container comprising the hemolytic streptococcus and/or the hemolytic streptococcus-origin component and the water-insoluble carrier.

**2. - 3. (canceled).**

**4. (currently amended):** The instrument for inducing a cytokine according to ~~any one~~ of claims 1-~~to~~-3, wherein the hemolytic streptococcus and/or the hemolytic streptococcus-origin component have been fixed on the water-insoluble carrier.

**5. (currently amended):** The instrument for inducing a cytokine according to ~~any one~~ of claims 1-~~to~~-3, wherein the water-insoluble carrier comprises a polymer material.

**6. (original):** The instrument for inducing a cytokine according to claim 5, wherein the polymer material is a porous polymer material.

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**7. (currently amended):** The instrument for inducing a cytokine according to claim 5-~~or~~6, wherein the polymer material compromises at least one kind selected from the group consisting of a polystyrene-based polymer material, a polyacrylic ester-based polymer material, a polypropylene-based polymer material and a polyvinyl chloride-based polymer material.

**8. (currently amended):** The instrument for inducing a cytokine according to ~~any one~~ of claims 1-~~to~~4, wherein the water-insoluble carrier comprises a carbon material.

**9. (original):** The instrument for inducing a cytokine according to claim 8, wherein the carbon material is an active carbon.

**10. (original):** The instrument for inducing a cytokine according to claim 9, wherein the active carbon has a diameter of more than 100  $\mu\text{m}$  and not more than 10000  $\mu\text{m}$ .

**11. (currently amended):** The instrument for inducing a cytokine according to claim 9-~~or~~10, wherein the active carbon is an active carbon obtained from at least one kind of raw material selected from the group consisting of a petroleum pitch, a phenolic resin, a coal and a coconut husk.

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**12. (currently amended):** The instrument for inducing a cytokine according to any one of claims 1-~~to~~-11, which is used for the induction of a cytokine production in a cell which can produce a cytokine.

**13. (original):** The instrument for inducing a cytokine according to claim 12, wherein the cell which can produce a cytokine is a cell derived from blood or a blood constituent.

**14. (original):** A method for inducing a cytokine, which comprises inducing a cytokine using the instrument for inducing a cytokine according to any one of claims 1 to 13.